

Deficiency Progress Report – Update 2

Report Submitted: August 25, 2008

CUPA Name: DTSC Imperial County
Evaluation Date: December 12 and 13, 2007

Evaluation Team:

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Corrected Deficiencies: 4, 5, 6, 9

Next Progress Report (Update 3) Due: **November 12, 2008**

Please update the deficiencies below that remain outstanding.

1. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the Hazardous Materials Business Plan (HMBP) program of one inspection every three years. This includes agricultural handlers subject to the business plan program.

Preliminary Corrective Actions: By June 30, 2008, and annually thereafter, the CUPA will inspect at least one third (33% per year) of its HMBP facilities.

By March 30, 2008, develop a plan to meet the inspection frequency for the HMBP program. Submit the plan along with the CUPA's first deficiency status report.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA has inventoried 670 facilities within Imperial County that are regulated under the HMBP. The DTSC Imperial CUPA has already inspected 101 facilities as identified by the CUPA Auditors during FY06/07. The DTSC Imperial CUPA has calculated that approximately 233 facilities will need to be inspected annually over each of the next two and a half fiscal years to comply with this corrective action. Therefore, staff is already assigned to complete 130 inspections by June 30, 2008. The CUPA Manager will conduct weekly Unit meetings to monitor the inspections being performed to ensure progress is occurring to achieve this milestone. During FY 08/09 and 09/10 staff will be assigned at least 233 facilities each year to be inspected. The quantity of scheduled inspections can vary as the inventory of regulated facilities changes annually.

Currently, at least 63 inspections have been conducted as of this report.

The DTSC Imperial CUPA rejects the notion that agricultural handlers are not being inspected with the frequency as the other industries. Therefore, we will continue in the manner of assigning our inspections based on impartiality to the industries within Imperial County.

Cal/EPA's 1st Response: Refer to OES's response.

- **OES's Response:** This deficiency appears to be on its way to being resolved. The rate of inspections, if held to the proposed corrective action plan, would appear to be in-line with the state mandated time frame.

On the next progress report, please include the total number of HMBP routine inspections performed for FY 07/08.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA has inventoried an increase to 713 facilities within Imperial County that are regulated under the HMBP. The DTSC Imperial CUPA inspected 101 facilities as identified by the CUPA Auditors during FY06/07. Thus, between FY06/07 and 07/08, 230 HMBP inspections have been completed, approximately one-third of the inventory. DTSC Imperial CUPA staff has been assigned their inspections for the next three months and are conducting those inspections. The goal is to complete 230 inspections during FY08/09. The CUPA Manager continues to conduct weekly Unit meetings to monitor the inspections being performed to ensure progress is occurring to achieve this milestone. During FY 08/09 and 09/10 staff will be assigned at least 233 facilities each year to be inspected. The quantity of scheduled inspections can vary as the inventory of regulated facilities changes annually.

During FY07/08 129 HMBP inspections have been conducted.

Cal/EPA's 2nd Response: Cal/EPA appreciates the CUPA's efforts to correct this deficiency. Cal/EPA and OES would like the CUPA to complete at least one-third of its HMBP facility inspections (approximately 237) within a fiscal year. The 129 inspections performed in FY 07/08 are less than one-third of the HMBP inspections that were needed to correct the deficiency by approximately 108 inspections. Since the preliminary corrective action date of June 30, 2008 has passed for this deficiency, Cal/EPA will review the inspection activity during FY 08/09 and modify the corrective action date to June 30, 2009. So, by June 30, 2009, the CUPA will complete at least one-third of its HMBP facility inspections for FY 08/09. Refer to OES's response.

- **OES Response:** This deficiency continues to appear to be on it's way to being resolved. The rate of inspections, if held to the proposed corrective action plan, would appear to correct this deficiency.

On the next progress report please include the total number of HMBP routine inspection performed for FY 08/09.

CUPA's 3rd Update: [Enter Update Here](#)

2. **Deficiency:** The CUPA is not conducting inspections with a frequency consistent with its Inspection and Enforcement Plan. Specifically, the CUPA is not meeting its scheduled inspection frequency for its hazardous waste generator (HWG) program of one inspection every three years.

Preliminary Corrective Actions: By June 30, 2008, and annually thereafter, the CUPA will inspect at least one third (33% per year) of its HWG facilities.

By March 30, 2008, develop a plan to meet the inspection frequency for the HWG program. Submit the plan along with the CUPA's first deficiency status report.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA has inventoried 562 facilities within Imperial County that are regulated under the HWG program element. The DTSC Imperial CUPA has already inspected 101 facilities as identified by the CUPA Auditors during FY06/07. The DTSC Imperial CUPA has calculated that approximately 187 facilities will need to be inspected annually over each of the next three years to comply with this corrective action. Therefore, staff is already assigned to complete 86 HWG inspections by June 30, 2008. The CUPA Manager will conduct weekly Unit meetings to monitor the inspections being performed to ensure the milestone is being achieved. The CUPA Manager will also ensure tracking forms are completed. During FY 08/09 and 09/10 staff will be assigned at least 187 facilities each year to be inspected. The DTSC Imperial CUPA estimates 80% of the HWG are also HMBP.

Currently, at least 50 inspections have been conducted as of this report.

Cal/EPA's 1st Response: The CUPA has developed an action plan that, if followed, will meet the CUPA's scheduled inspection frequency for HWG facilities.

On the next progress report, please include the total number of HWG routine inspections performed for FY 07/08.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA has inventoried an increase to 576 facilities within Imperial County that are regulated under the HWG program element. The DTSC Imperial CUPA has already inspected 98 facilities as identified by the CUPA Auditors during FY06/07. DTSC Imperial CUPA staff has been assigned their inspections for the next three months and are conducting those inspections. The goal is to complete 195 inspections during FY08/09. The CUPA Manager continues to conduct weekly Unit meetings to monitor the inspections being performed to ensure progress is occurring to achieve this milestone. During FY 08/09 and 09/10 staff will be assigned at least 192 facilities each year to be inspected. The quantity of scheduled inspections can vary as the inventory of regulated facilities changes annually.

During FY07/08 117 hazardous waste Generator inspections have been conducted. Thus, between FY06/07 and 07/08, 215 hazardous waste Generator inspections have been completed, greater than one-third of the inventory.

Cal/EPA's 2nd Response: Cal/EPA appreciates the CUPA's efforts to correct this deficiency. Cal/EPA and DTSC would like the CUPA to complete at least one-third of its HWG facility inspections (approximately 192) within a fiscal year. The 117 inspections performed in FY 07/08 are less than one-third of the HWG inspections that were needed to correct the deficiency by approximately 75 inspections.

Since the preliminary corrective action date of June 30, 2008 has passed for this deficiency, Cal/EPA will review the inspection activity during FY 08/09 and modify the corrective action date to June 30, 2009. So, by June 30, 2009, the CUPA will complete at least one-third of its HWG facility inspections for FY 08/09.

CUPA's 3rd Update: [Enter Update Here](#)

3. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the CalARP program of one inspection every three years.

Preliminary Corrective Actions: By June 30, 2008, and annually thereafter, the CUPA will inspect at least one third (33% per year) of its CalARP facilities.

By March 30, 2008, develop a plan to meet the inspection frequency for the CalARP program. Submit the plan along with the CUPA's first deficiency status report.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA has inventoried 37 facilities within Imperial County that are regulated under the CalARP program. The DTSC Imperial CUPA has already inspected 2 facilities. The DTSC Imperial CUPA has calculated that approximately 12 facilities will need to be inspected

annually over each of the next two and a half fiscal years to comply with this corrective action. Therefore, staff is already assigned to complete 10 additional CalARP inspections by June 30, 2008. However, it is reasonable to expect only four inspections will be completed by June 30, 2008. Additional staff is being trained to increase the number of CalARP inspections. The CUPA Manager will conduct weekly Unit meetings to monitor the progress. Any scheduled CalARP inspection that is scheduled during FY07/08 that is not completed, will be a priority for the following fiscal year. During FY 08/09 and 09/10 at least 12 facilities each year will be inspected. The CUPA Manager will work with staff and additional resources to have all 37 facilities inspected by the end of FY09/10.

Currently, 2 inspections have been conducted as of this report.

Cal/EPA's 1st Response: Refer to OES's response.

- **OES's Response:** It seems the rates of inspections for CalARP facilities will not be accomplished within the upcoming year. The CUPA has recognized this and is in the process of training staff to accomplish the state mandated inspection frequencies.

On the next progress report, please include the total number of CalARP routine inspections performed for FY 07/08.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA has inventoried an increase to 47 facilities within Imperial County that are regulated under the CalARP program element. Annually, the DTSC Imperial CUPA has to complete 16 CalARP inspections to meet the statutory mandate. Therefore, approximately 26 CalARP inspections must be completed by the end of FY08/09 to ensure the remaining 15 CalARP facilities are inspected within FY09/10. This inspection frequency for 08/09 is unlikely to be met unless additional resources are secured. One additional staff is being hired and a BCP for 08/09 for four additional staff is currently in the process between DTSC and DOF. The CUPA Manager continues to conduct weekly Unit meetings to monitor the inspections being performed to ensure progress is occurring to achieve this milestone. The CUPA Manager will work with staff and additional resources to have all 47 facilities inspected by the end of FY09/10.

During FY07/08 6 CalARP inspections have been conducted. Thus, between FY06/07 and 07/08, 6 CalARP inspections have been completed; or approximately 13% of the inventory.

Cal/EPA's 2nd Response: Cal/EPA appreciates the CUPA's efforts to correct this deficiency. Cal/EPA and OES would like the CUPA to complete at least one-third of its CalARP facility inspections (approximately 16) within a fiscal year. The 6 inspections performed in FY 07/08 are less than one-third of the CalARP

inspections that were needed to correct the deficiency by approximately 10 inspections.

Since the preliminary corrective action date of June 30, 2008 has passed for this deficiency, Cal/EPA will review the inspection activity during FY 08/09 and modify the corrective action date to June 30, 2009. So, by June 30, 2009, the CUPA will complete at least one-third of its CalARP facility inspections for FY 08/09. Refer to OES's response.

- **OES's Response:** With the increase in number of facilities which fall under the CalARP program, it seems the rates of inspections for CalARP facilities will not be recognized within the upcoming year. However the CUPA is in the process of hiring a staff member to accomplish the state mandated inspection frequencies.

In the next progress report, please include the progress of the new staff member as well as the numbers of CalARP facilities which have been inspected.

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4. **Deficiency:** The CUPA is not documenting violations in a manner consistent with the definitions of minor, Class II or Class I as provided in law and regulation.

Preliminary Corrective Actions: By January 13, 2008, the CUPA shall develop a plan of action to ensure that staff is trained and familiar with the statutory and regulatory definitions for the different hazardous waste violation classifications, and is documenting them accordingly. The plan of action should also involve training in the violation classification guidance document.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA Manager has issued to staff a copy of section 25110.8.5 (Class I) and 25117.6 and 25404 (c) (3) (Minor) Health and Safety Code for staff to be familiar with the statutory requirements in defining violations. Additionally, staff has been given a copy of the "VIOLATION CLASSIFICATION GUIDANCE FOR UNIFIED PROGRAM AGENCIES" July 11, 2006, with instruction given by the CUPA Manager during regular Unit meetings. The CUPA Manager, who has 22 years of experience in assessing violations, will also provide OJT as the CUPA Manager assists staff during CUPA inspections. On May 9, 2008, CUPA staff and CUPA Manager received three hour class training on classifying Class I, II and Minor violations from Roberto Kou, Supervising Hazardous Substance Scientist, DTSC Chatsworth Enforcement and Emergency Response Program. The CUPA Manager will review the tracking forms provided by staff to ensure adherence to the standards stated above and the training received by Kou. Annual refresher

training of staff and the CUPA Manager may be necessary as a result of the tracking of staff's violation determinations.

Cal/EPA's 1st Response: Refer to DTSC evaluator's response.

- **DTSC's Response:** DTSC acknowledges the steps taken and progress the CUPA has made in ensuring their staff is appropriately trained. Cal/EPA and DTSC considers this deficiency corrected.

5. **Deficiency:** The CUPA is not fully implementing its Inspection and Enforcement Program and Plan.

Preliminary Corrective Actions: By January 13, 2008, the CUPA shall develop a plan of action to fully implement its Inspection and Enforcement Program and Plan.

CUPA's 1st Update (May 13, 2008): The implementation of the Inspection and Enforcement Program Plan (Plan) as described in the "Application for Imperial County Unified Program Agency", July 2004, is generally accepted as the process the DTSC Imperial CUPA will employ to ensure compliance with the six program elements. However, because Imperial County government has not regulated these facilities dating to the inception of the statutes for some of the program elements, the DTSC Imperial CUPA reserves the flexibility to ensure compliance on Class II violations without taking formal enforcement, should compliance not be met within initial prescribed time limits. This would also include the need to elevate minor violations to Class II if due dates were not met. Specifically the DTSC Imperial CUPA would undertake additional verbal and written efforts to get companies not in compliance to comply without taking formal enforcement when repeated non-compliance occurs. The DTSC Imperial CUPA prefers to continue dialogue with the company until it is the DTSC Imperial CUPAs determination on a case-by-case basis with documentation, that there is no reasonable alternative and hence the enforcement will be taken. The repeated documented efforts towards achieving compliance by the DTSC Imperial CUPA staff would be used as the evidence supporting the enforcement taken. Enforcement will occur for Class I violations.

At least five pending enforcement actions resulting from inspections and complaint investigations during 2007 will be transferred to Roberto Kou, Supervising HSS, Chatsworth EERP. Kou has over 20 years of experience in enforcing the Hazardous Waste Control Law (HWCL). The five cases are from the HWCL. Kou, in close cooperation with the CUPA Manager will follow the AEO process. CUPA staff will ensure compliance to the resulting Consent Agreement.

The CUPA Manager will ensure adherence to the Plan through weekly Unit meetings and monitoring the documentation provided by staff at the conclusion of inspections, complaint investigations and enforcement actions. Furthermore, the CUPA Manager will provide oversight on the issuance of Return To Compliance notifications to the regulated community once compliance has been achieved.

The DTSC Imperial CUPA will annually revise the Inspection and Enforcement Program Plan whenever significant changes in procedures described above occur.

Cal/EPA's 1st Response: Refer to DTSC evaluator's response.

- **DTSC's Response:** DTSC recognizes that the CUPA is now implementing their Inspection and Enforcement Plan through the aid of Roberto Kou, following the AEO process and direct CUPA manager involvement. Cal/EPA and DTSC considers this deficiency corrected.

6. **Deficiency:** The CUPA is unable to document that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification.

Preliminary Corrective Actions: By January 13, 2008, the CUPA shall ensure that facilities who are cited for minor violations during hazardous waste inspections have either submitted a Return to Compliance certification or been followed up with within the required corrective action date.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA staff has pursued compliance to past cited violations against companies and issued Return To Compliance letters or otherwise has received signed certifications of compliance from facilities, once compliance to the violations has occurred. To ensure a Return to Compliance certification has been received or determine what form of further staff effort is necessary to compel non-compliant facilities into compliance, weekly Unit meetings tracking the progress of inspections and compliance is occurring. Because of the inherent difficulties of a new program, interim measures are being used, such as longer time periods to achieve compliance, and more instruction to facilities on how to achieve compliance. This is occurring while staff strives to meet annual inspection commitments.

Cal/EPA's 1st Response: Refer to DTSC evaluator's response.

- **DTSC's Response:** DTSC understands that the CUPA is now using weekly meetings to track Return to Compliance. DTSC would like to know what exactly is being tracked during these meetings to ensure that the facilities cited for violations have in fact returned to compliance. That is, has there been an increase in facilities submitting Return to Compliance

certifications or more follow-up inspections as a result of these meetings? Any documentation from these meetings supporting increased compliance would be helpful in answering this question. Cal/EPA and DTSC considers this deficiency still outstanding.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA Supervisor is emphasizing to staff daily and weekly in the Unit meeting the need to achieve compliance to the inspections conducted. The tracking form to be used in the future state the date of inspection, the significant violations observed, and the date the facility achieved compliance (Attachment 1). The tracking document previously did not state whether the facility had returned to compliance. The Unit meeting is to summarize the status of staff's efforts in conducting the scheduled inspections and achieving compliance to the satisfaction of the Supervisor. The Unit meeting is also to focus staff's effort where compliance has not been determined towards continuing to pursue compliance to past inspections and complaint investigations. To summarize the Class of violation and the percentage success of achieving compliance for the facilities inspected, the ICUPA MST has created a database that documents these statistics in an Excel database described above.

A return visit to the site is not recommended unless absolutely necessary because of resource limitations.

Cal/EPA's 2nd Response: Refer to DTSC's response.

- **DTSC's Response:** DTSC has reviewed the provided excel Return to Compliance tracking document. DTSC acknowledges that the addition of the tracking document in conjunction with the Unit compliance meetings will ensure facilities returning to compliance. Cal/EPA and DTSC considers this deficiency corrected.

7. **Deficiency:** CUPA is not ensuring that business plans are being reviewed for completeness and accuracy.

Preliminary Corrective Actions: By March 30 2008, the CUPA must submit an action plan that will ensure that business plans are being reviewed for completeness and accuracy.

CUPA's 1st Update (May 13, 2008): The Business Plans were being reviewed for completeness and accuracy by staff as they were received by the DTSC Imperial CUPA office and as a result of the inspector's conducting CUPA inspections. However, more Business Plans were being received through mail-in than staff was able to review for completeness. In an effort to minimize this deficiency the CUPA Manager will be securing by May 30, 2008, additional personnel to review submitted Business Plans not yet reviewed. The person(s)

identified to conduct the review of Business Plans for completeness will be given in-house training on the Business Plan statutes and regulations by the CUPA Manager before they are allowed to conduct their reviews. The CUPA Manager will track the progress of the staff and ensure compliance is documented.

Cal/EPA's 1st Response: Refer to OES's response.

- **OES's Response:** Adding additional staff tasked with the responsibility of reviewing business plan material is progress towards satisfying this deficiency.

On the next progress report, submit an update on the progress towards correction of this deficiency.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA Supervisor has four staff inspectors conducting regularly scheduled inspections, which includes evaluating the facilities Business Plan for completeness. Additionally, the DTSC Imperial CUPA Supervisor has obtained two qualified Hazardous Substance Scientist (HSS) inspectors from the DTSC Chatsworth Enforcement and Emergency Response Program (EERP), reviewing the Business Plans. 50 Business Plans are currently being reviewed by the two staff inspectors for completeness. As a result of direction by the DTSC Imperial CUPA Supervisor, staff will review the Business Plan to include emergency procedures in the event of an earthquake. Deficiencies will be cited and compliance achieved on the Business Plan by these two inspectors. The DTSC Imperial CUPA Supervisor gave instruction to the two Chatsworth inspectors in July 2008. The DTSC Imperial CUPA Supervisor is reviewing copies of some of the finished product of the Business Plan review for accuracy and completeness. One additional inspector, from the EERP Cypress office may be trained to assist in the review of Business Plans. The DTSC Imperial CUPA is backfilling one additional staff and a BCP for 08/09 for four additional HSS staff is currently in the process between DTSC and DOF. The DTSC Imperial CUPA Supervisor will meet regularly with the outside inspectors reviewing the Business Plans to monitor the inspector's efforts to ensure progress is occurring to achieve this milestone.

To date thirty-two Business Plans have been reviewed and determined to be in compliance.

Cal/EPA's 2nd Response: On the next progress report, state how many business plans are left to be reviewed. Refer to OES's response.

- **OES's Response:** It appears that the additional staff tasked with the responsibility of reviewing business plan material is making progress towards satisfying this deficiency.

On the next progress report, submit an update on the progress towards correction of this deficiency.

CUPA's 3rd Update: [Enter Update Here](#)

8. **Deficiency:** CUPA has not reviewed or updated their area plan within the last 36 months.

Preliminary Corrective Actions: By December 31, 2008, the CUPA shall submit an area plan update to the Governors Office of Emergency Services.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA will create an agenda and meet with County agencies, since the County of Imperial would be the entity to apply for the HMEP grant. The DTSC Imperial CUPA has drafted a letter of interest to the OES LEPC Region 6 requesting a HMEP grant. This one year grant occurs from October 2008 through September 2009 and will be monitored by the DTSC Imperial CUPA.

Cal/EPA's 1st Response: Refer to OES's response.

- **OES's Response:** An HMBP grant will aid in the update and review of the CUPA's Area Plan. The CUPA will report any progress in the next progress report on this matter.

CUPA's 2nd Update (August 25, 2008): On July 15, 2008, Jesus Torres, DTSC Imperial CUPA, mailed the HMEP letter of interest to Mr. Nick Vent, Chair LEPC Region VI. On July 22, 2008, the completed and signed HMEP Grant Application was mailed by Assistant Fire Chief Rouhotas Jr. to the LEPC Chair. On or about July 31, 2008, the HMEP grant application was received by Nick Vent, LEPC Region VI Chair and immediately signed and sent to Mr. Ron Olguin, Associate Governmental Program Analyst, HMEP Grant Coordinator, Fire & Rescue Branch, Hazardous Materials Unit, Governor's Office of Emergency Services. The DTSC Imperial CUPA will continue to coordinate with Imperial County Fire to implement the grant once awarded.

Cal/EPA's 2nd Response: Refer to OES's response.

- **OES's Response:** Continue to coordinate and in the next progress report include any progress in correcting this deficiency.

CUPA's 3rd Update: [Enter Update Here](#)

9. **Deficiency:** CUPA is not forwarding the data collected with other responsible agencies in a format easily interpreted by those agencies.

Preliminary Corrective Actions: None

Cal/EPA's 1st Response: This deficiency was corrected before completion of the initial report.

- 10. Deficiency:** Emergency Response Plans/Procedures are being submitted without all of the minimum elements necessary. Mitigation, prevention, or abatement of hazards to person's, property or environment, and identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of the vulnerability to earthquake related ground motion are missing from submitted plans.

Preliminary Corrective Actions: By March 30, 2008 the CUPA shall submit an action plan to include all elements of the emergency response plans/procedures.

CUPA's 1st Update (May 13, 2008): The DTSC Imperial CUPA will begin the process of revising the Business Plan application provided to facilities to require the new companies to establish a written procedure, scaled appropriately for the size and nature of the business, that will mitigate, prevent, or abate hazards to person's, property or environment, and identify areas of the facility and mechanical or other systems that require immediate inspection or isolation because of the vulnerability to earthquake related ground motion. By May 20, 2008, the revised Business Plan application will be available to the public or for review.

Business Plans that have already been submitted but not approved will be reviewed by CUPA staff identified in #7 above. The staff will review the Business Plan to include emergency procedures in the event of an earthquake. For those facilities that had previously been determined to be in compliance with the Business Plan or those facilities still to be inspected, they will receive a letter requesting them to revise their Business Plan to address this requirement. The letter will be submitted to the regulated community by June 6, 2008. The letter will be with inspectors as they conduct their inspections and provided to current owner/operators.

Cal/EPA's 1st Response: The CUPA is making good progress toward correcting this deficiency.

Along with the next progress report, please fax or email to Cal/EPA a copy of the CUPA's revised Business Plan application and the Business Plan request letter.

CUPA's 2nd Update (August 25, 2008): The DTSC Imperial CUPA has provided training on the Business Plan to the regulated community during the week of August 18, 19, and 20. During the training the inspector discussed the need to modify the Business Plan in considering earthquakes (Attachment 2).

Furthermore the application packet the DTSC Imperial CUPA sends to companies on the Business Plan has been revised to include the evaluation of companies emergency procedures as they relate to earthquakes (Attachment 3). Finally, the DTSC Imperial CUPA has prepared a letter to the regulated community requiring them to revise their Business Plan to consider the mitigation, prevention, or abatement of hazards to person's, property or environment, and identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of the vulnerability to earthquake related ground motion (Attachment 4).

Cal/EPA's 2nd Response: As part of the business plan application package, the CUPA now sends letters to HMBP facility owners/operators requesting that they include the earthquake related requirements in their emergency response plans. This is a good step towards correcting this deficiency. Cal/EPA suggests that the CUPA add a step in its emergency response plan instructions to say something like:

"Procedures for mitigation, prevention, or abatement of hazards to person's, property or environment, and identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of the vulnerability to earthquake related ground motion."

Please refer to OES's response.

- **OES's Response:** This deficiency appears to be on it's way to being corrected and in compliance with Title 19, section 2731 (e). Along with your next progress report please report on the success of the letter in gaining compliance with facilities that fall under this regulation.

CUPA's 3rd Update: [Enter Update Here](#)